IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGELA HILEM, Plaintiff, v. NEXTFAB STUDIO, LLC, Defendant.	CIVIL ACTION NO: 2:16-cv-05922-PD

FILED
MAR 16 2017
KATE BARKMAN, Clerk
By_________Dep. Clerk

PROPOSED JOINT DISCOVERY PLAN UNDER RULE 26(f)

Pursuant to Federal Rule of Civil Procedure 26(f), the parties conferred on March 10, 2017 and hereby submit the following proposed joint discovery plan:

A. Changes that should be made to in the timing, form, or requirement for disclosures under Rule 26(a), including, a statement as to when disclosures under Rule 26(2) were made or will be made.

Counsel have already exchanged self-executing disclosures.

B. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

Plaintiff intends to conduct discovery on subjects which include, without limitation:

i. All issues raised in Plaintiff's complaint and other pleadings, factual bases for Defendant's alleged liability and defenses, Plaintiff's claims for damages and mitigation of damages.

ii. Plaintiff intends to depose individuals who witnessed the discriminatory treatment of Plaintiff and other female employees, the individuals to whom Plaintiff complained about discrimination and/or investigated Plaintiff's complaints, and the individuals involved in the decision to terminate Plaintiff's employment.

iii. Plaintiff intends to retain an economic expert to value Plaintiff's lost earnings.

Defendant intends to conduct discovery on subjects which include, without limitation:

i. All issues raised in Plaintiff's complaint and other pleadings, factual bases for Defendant's alleged liability and defenses, Plaintiff's claims for damages and mitigation of damages, if any.

ii. Defendant intends to depose Plaintiff and any witness identified by Plaintiff as supporting her claims.

iii. Plaintiff makes a claim for damages, in part, for "pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses" which makes Plaintiff's medical records essential to Defendant's defense. Defendant will be seeking such medical records.

iv. Partially dependent upon the information received from Plaintiff, Defendant anticipates retaining an economic expert to value Plaintiff's lost earnings if any; and a vocational expert to opine on Plaintiff's opportunities to mitigate her damages and find suitable replacement employment.

The parties do not believe discovery should be conducted in phases or limited to particular issues.

It is anticipated that all fact discovery can be completed by **June 30, 2017**. It is anticipated that all expert discovery can be completed by **August 1, 2017**.

All dispositive motions will be filed, if at all, no later than **September 1, 2017**.

C. Any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.

The parties intend to serve each other with discovery seeking electronically stored information, including the electronic records of the parties maintained on their respective primary computer systems. The parties will work cooperatively regarding the exchange of electronic information. The parties reserve the right to conduct discovery on or raise any issues regarding electronically stored information that may be relevant to this case as discovery proceeds and as additional facts become known.

D. Any issues about claims of privilege or of protection as trial-preparation materials, including - if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order.

The parties are not aware of any such issues at this time.

E. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

The parties do not anticipate needing to exceed the 10 deposition limit of Rule 30. If necessary, the parties intend to work cooperatively to determine which depositions will be taken and the method by which they will be taken, and will seek the Court's intervention if necessary. The parties will provide three business days' notice prior to the issuance of any non–party Subpoenas.

The parties reserve the right to request additional changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule, and that other limitations should be imposed as necessary, as discovery proceeds and as additional facts become known.

F. Any other orders that should be entered by the court under Rule 26(c) or under Rule 16(b) and (c).

The parties are interested in scheduling an early mediation with a Magistrate Judge.

Respectfully submitted,

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March 13, 2017

Honorable Paul S. Diamond
United States District Court for the
Eastern District of Pennsylvania
14614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Angela Hilem v. NextFab Studio, LLC
United States District Court for the Eastern District of Pennsylvania
Civil Action No.: 2:16-cv-05922-PD

Dear Judge Diamond:

The parties have conferred and provide this Proposed Joint Discovery Plan under Rule 26(f) in anticipation of our Rule 16 Conference currently scheduled for Monday, March 20, 2017 at 10:00 a.m.

Both parties will have their respective representatives present at the Rule 16 Conference to discuss the possibility of settlement.

Respectfully,

Michael J. Torchia

Enclosure

c: Traci M. Greenberg, Esquire (w/encl.) (Counsel for Plaintiff)

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